

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	
	:	
v.	:	CRIMINAL ACTION
	:	No. 18-152
	:	
TROY MERKE	:	

ORDER

This 25th day of April, 2023, for the reasons set forth in the accompanying memorandum, it is hereby **ORDERED** that Defendant's Motion to Modify and Reduce Sentence, ECF 91, is **DENIED**. A certificate of appealability will not issue.¹

s/ Gerald Austin McHugh
United States District Judge

¹ There is no basis to grant a certificate of appealability here as Defendant's claims regarding modification of his sentence – while asserted in what is functionally a habeas petition under 28 U.S.C. § 2241 – lack a constitutional dimension. *See United States v. Doe*, 810 F.3d 132, 145 (3d Cir. 2015) (holding that a claim must at least plausibly present a constitutional issue to justify a certificate of appealability).